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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,982	09/14/2000	Alphonsus Johannes Van Tol	PTT-98	4191
7265	7590	09/06/2005		
MICHAELSON AND WALLACE PARKWAY 109 OFFICE CENTER 328 NEWMAN SPRINGS RD P O BOX 8489 RED BANK, NJ 07701			EXAMINER HOANG, THAI D	
			ART UNIT 2667	PAPER NUMBER

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,982

Applicant(s)

VAN TOL, ALPHONSUS
JOHANNES

Examiner

Thai D. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 9 is/are rejected.
- 7) ☒ Claim(s) 2, 4-8 and 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

In the Amendment filed on 06/09/2005, Applicant request to insert "2.0 Description of the Related Art" on page 1, after line 5 which ends with "obtaining connection." and before line 6 which begins with "Such a method..." of the specification. However, Examiner could not found the statements on page 1, line 5 and 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 3 and 9 are rejected under 35 U.S.C. 102(e) as being unpatentable by Forrest, US Patent No. 6,084,875.

Regarding claims 3 and 9, in FIG. 2 Forrest disclose a "Traffic Route Control" functionality for Internet Service Providers (ISPs) 260, is implemented by a local service provider (SSP-A) 210 to allow the local service provider (SSP-A) 210 to identify specific routes 270 and assign them to individual ISPs 260. Initially, as indicated in FIG. 3, an Internet user 200 dials the access number for a specific 260 (step 300). This call is then triggered as an AIN call (step 305), which is routed from an end office 210, e.g., a Service Switching Point (SSP) for a wire line Internet user, serving the Internet user 200 to a Service Control Point (SCP) 240 (step 310) via a Signaling Transfer Point (STP) 230. The SCP 240 then analyzes the calling number and the called (ISP) number (step 315), compares them with a list of calling numbers, ISP numbers, and associated trunk lines (step 320), which is stored in a database 250, and identifies the dedicated ISP trunk line(s) 270 (step 325), which will be used to route the call to the appropriate ISP 260. Finally, a call connection is established between the Internet user 200 and the ISP 260 (step 350). See fig. 1-3, col. 2, lines 8-32, and col. 4, lines 21-55.

Allowable Subject Matter

Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5-8 and claims 2, 11-13 are also objected too because they depend on objected claims 4 and 10 respectively.

Response to Arguments

Applicant's arguments filed 06/09/2005, with respect to claims 3 and 9, have been fully considered but they are not persuasive. Page 12 of the remarks, Applicant

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argues "the Forrest patent does not disclose that a calling point of an ISP is comprised by a traffic telephone exchange (vkc)". According to the specification, page 1, lines 5-9, the calling points are defined:

"Access to the Internet is provided by so-called Inter- net Service Providers, indicated herein below as ISP. On strategically chosen locations, they have so-called calling points to which their clients, i.e. the Internet users, can call for gaining access to the Internet."

It indicates that the ISPs associate with calling points to allow users access to the Internet. Forrest discloses "Many local service providers (SSPs) provide local access to Internet Service Providers (ISPs)", col. 2, lines 58-59 and 64-66. Thus, the SSPs in the system disclosed by Forrest perform as "calling points" that are recited in the claims and specification.

Applicant's arguments, see remarks page 14, filed 06/09/2005, with respect to claims 4 and 10 have been fully considered and are persuasive. The rejections of claims 4 and 10 have been withdrawn and they are objected as shown above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai Hoang

KWANG BIN YAO
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Kwang Bin Yao', written over the printed name and title.